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Acting Under Authority Conferred by 28 U.S.C. § 515  
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## Attorneys for the United States

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

V.

JOSE SUSUMO AZANO MATSURA (1),  
aka Mr. A.,  
aka Mr. Lambo,  
RAVNEET SINGH (2),  
aka Ravi Singh,  
ELECTIONMALL, INC. (3),  
MARCO POLO CÓRTES (4).

## Defendants.

Case No. 14CR0388-MMA

Date: December 15, 2015  
Time: 9:00 a.m.

**JOINT MOTION TO EXCLUDE TIME  
UNDER THE SPEEDY TRIAL ACT  
FROM DECEMBER 8-15, 2015**

The United States of America and the above-captioned defendants, who are on bond, jointly move to exclude from the Speedy Trial Act calculations the time from December 8-15, 2015, because: (1) there are pretrial motions pending that require a hearing, *see* 18 U.S.C. § 3161(h)(1)(D); and (2) the ends of justice served by granting the continuance and by excluding time outweigh the best interests of the public and the defendants in a speedy trial, *see* 18 U.S.C. § 3161(h)(7)(A).

The following facts support the requested time exclusion:

1. On October 6, 2015, this Court excluded time under the Speedy Trial Act from October 6 until the December 8, 2015 status hearing, based on pending pretrial motions and the ends of justice. On December 1, 2015, at the joint request of counsel, the

1 Court entered a Minute Order continuing the status hearing from December 8 to  
2 December 15, 2015, but the reasons for excluding this additional time under the Speedy  
3 Trial Act have not yet been set forth in the record.

4 | 2. There are pending pretrial motions that require a hearing. See Doc. 101.

5       3. As for the “ends of justice” time exclusion, the reasons mentioned at the  
6 October 6 motion hearing – as well as in this Court’s March 26, 2015 Speedy Trial Act  
7 time exclusion order, Doc. 93 – justify the exclusion of time for at least an additional  
8 week, until December 15, 2015.

9       4. In addition, on December 1, 2015, the U.S. Attorney's Office briefed defense  
10 counsel on a number of new counts in the forthcoming second superseding indictment (as  
11 well as related new discovery), which may alter the defense strategy and preparations. At  
12 a minimum, the defense must re-evaluate trial tactics, motions *in limine*, and the  
13 voluminous evidence in this case, which will require at least an additional week of  
14 preparation.

15       5.     In light of this new information, failure to exclude the requested additional  
16 week of time would result in a miscarriage of justice, as it is unreasonable to expect  
17 adequate preparation for pretrial motions *in limine* or for the trial itself within 70 days,  
18 absent the requested time exclusion.

19 For the foregoing reasons, the parties jointly move this Court to exclude time under  
20 the Speedy Trial Act for the reasons stated.

Respectfully submitted,

ALANA W. ROBINSON  
Attorney for the United States  
Acting Under 28 U.S.C. § 515

DATED: December 8, 2015

/s/ *Andrew G. Schopler*  
ANDREW G. SCHOPLER  
HELEN H. HONG  
Assistant U.S. Attorney

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1 DATED: December 8, 2015  
2  
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/s/ *Knut S. Johnson*  
KNUT S. JOHNSON  
Counsel for Mr. Azano (1)

4 DATED: December 8, 2015  
5  
6

/s/ *Michael L. Lipman*  
MICHAEL L. LIPMAN  
JASON M. OHTA  
Duane Morris LLP  
Counsel for Mr. Singh (2)

7  
8 DATED: December 8, 2015  
9  
10

/s/ *Frank T. Vecchione*  
FRANK T. VECCHIONE  
Counsel for ElectionMall, Inc. (3)

11 DATED: December 8, 2015  
12  
13

/s/ *Nancy B. Rosenfeld*  
NANCY B. ROSENFELD  
Counsel for Mr. Cortes (4)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Case No. 14CR0388-MMA

Plaintiff,

V.

JOSE SUSUMO AZANO MATSURA (1),  
aka Mr. A.,  
aka Mr. Lambo,  
RAVNEET SINGH (2),  
aka Ravi Singh,  
ELECTIONMALL, INC. (3),  
MARCO POLO CÓRTES (4),

### Defendants.

## **CERTIFICATE OF SERVICE**

I, the undersigned, declare under penalty of perjury that I have served the foregoing document on the above-captioned party(ies) by:

- electronically filing it with the U.S. District Court for the Southern District of California using its ECF System, which electronically notifies the party(ies).
  - causing the foregoing to be mailed by first class mail to the parties identified with the District Court Clerk on the ECF System.
  - causing the foregoing to be mailed by first class mail to the following non-ECF participant at the last known address, at which place there is delivery service of mail from the United States Postal Service:

Executed on December 8, 2015.

/s/ *Andrew G. Schopler*  
ANDREW G. SCHOPLER  
Assistant U.S. Attorney